THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :2365 of 2005

DATED:12-02-2007

Vallabhneni Srinivasa Rao.

.....
PETITIONER

AND

The Government of A.P.,
Rep., by its Principal Secretary,
Department of Home,
Government of A.P.,
Secretariat Building,
Hyderabad & 2 others.

.....RESPONDENTS

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ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the action of the 2nd respondent in registering the Crime No.243 of 2004 of Arundelpet Law and Order Police Station under Sections 120-B, 212, 406, 420 r/w 34 IPC, Section 5 of the A.P.Protection of Depositors of Financial Establishments Act, 1999,
dated 09-07-2004, against the petitioner showing him as A1, as illegal and arbitrary.

3. It is stated that the petitioner has no involvement at all in collecting the alleged amounts and in cheating the public and the 3rd respondent is not authorized on behalf of the petitioner and therefore for the illegal acts committed by the 3rd respondent the petitioner cannot be criminally prosecuted.

4. I am not inclined to appreciate any of the above contentions as this Court cannot appreciate the evidential value and other material particulars sought to be filed before this Court unless they are marked during the appropriate course of action by the concerned Magistrate.

5. Learned Government Pleader for Home appearing for the respondents submits that the matter is being entrusted to the C.I.D. and the investigation is yet to be completed.

6. In view of the aforesaid facts and circumstances, the Writ Petition is dismissed. No order as to costs.

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V.ESWARAIAH,J

12th February, 2007.
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